

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 CHRISTINE A. RHEE
Deputy Attorney General
4 State Bar No. 295656
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9455
7 Facsimile: (619) 645-2061
8 *Attorneys for Petitioner*

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10 **BEFORE THE**
11 **OFFICE OF ADMINISTRATIVE HEARINGS**
12 **STATE OF CALIFORNIA**

13 **WILLIAM PRASIFKA**
Executive Director,
14 Medical Board of California,
Department of Consumer Affairs,
15 State of California,

16
17 Petitioner,

17 v.

18 **JENNINGS RYAN STALEY, M.D.**
31888 Del Obispo St., Ste. C-2
19 San Juan Capistrano, CA 92675

20 Respondent.
21
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Case No. 800-2020-066389

OAH No.

**STIPULATION OF THE PARTIES RE:
INTERIM SUSPENSION ORDER AND
ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Petitioner William Prasifka is the Executive Director of the Medical Board of
27 California (Board), and is represented in the above-entitled matter by Rob Bonta, Attorney
28 General of the State of California, by Deputy Attorney General Christine A. Rhee.

2. Respondent Jennings Ryan Staley, M.D. (Respondent) is represented in this proceeding by Earl M. Pott, Esq., of Klinedinst PC, whose address is 501 W. Broadway, Suite 600, San Diego, CA 92101.

JURISDICTION

3. On May 5, 2010, the Board issued Physician's and Surgeon's Certificate No. C 54121 to Respondent. Physician's and Surgeon's Certificate No. C 54121 is in full force and effect herein, and will expire on May 31, 2022, unless renewed,

4. Pursuant to the provisions of California Government Code section 11529, an administrative law judge of the Medical Quality Hearing Panel established pursuant to section 11371 may issue an interim order suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare.

FACTUAL BASIS FOR INTERIM ORDER

5. For the purposes of this proceeding, Respondent admits to using cocaine in violation of the conditions of his pre-trial release agreement in *United States of America v. Jennings Ryan Staley*, Case No. 3:20-CR-1227-GPC.

RESERVATION

6. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or another professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

7. Respondent agrees to the issuance of an Interim Suspension Order under Government Code section 11529, immediately restricting his Physician's and Surgeon's Certificate

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No. C 54121 and prohibiting him from practicing medicine in the State of California. This Interim Suspension Order shall remain in effect until a final decision and order is issued on a forthcoming Accusation.

8. In exchange for Respondent's agreement as contained in paragraph 7, above, Petitioner agrees to file this stipulation with the Office of Administrative Hearings in San Diego.

9. Any motion to vacate the Interim Suspension Order issued in this case shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an ex parte basis and any motion to vacate the Interim Suspension Order issued in this case shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than thirty (30) business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

WAIVERS

10. Respondent is fully aware of all of his rights under California Government Code section 11529, subdivision (d), to a noticed hearing on the issue of whether an interim order of suspension should be issued in the above-entitled matter, and all other rights accorded to him under California Government Code section 11529, subdivision (d), at which he is entitled, at a minimum, to all of the following rights:

(a) To be represented by counsel.

(b) To have a record made of the proceedings, copies of which may be obtained by the licentiate upon payment of any reasonable charges associated with the record.

(c) To present written evidence in the form of relevant declarations, affidavits, and documents. The discretion of the administrative law judge to permit testimony at the hearing conducted pursuant to this section shall be identical to the discretion of a superior court judge to permit testimony at a hearing conducted pursuant to Section 527 of the Code of Civil Procedure.

(d) To present oral argument.

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1 11. Having had the benefit of counsel, Respondent hereby knowingly, intelligently, freely
2 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in
3 paragraph 10, above.

4 12. Respondent is fully aware of all of his rights under Government Code section 11529,
5 subdivisions (f) and (g), which state as follows:

6 (f) In all cases in which an interim order is issued, and an accusation or petition
7 to revoke probation is not filed and served pursuant to Sections 11503 and 11505
8 within 30 days of the date on which the parties to the hearing on the interim order have
9 submitted the matter, the order shall be dissolved. Upon service of the accusation or
10 petition to revoke probation the licensee shall have, in addition to the rights granted by
11 this section, all of the rights and privileges available as specified in this chapter. If the
12 licensee requests a hearing on the accusation, the board shall provide the licensee with
13 a hearing within 30 days of the request, unless the licensee stipulates to a later hearing,
14 and a decision within 15 days of the date the decision is received from the
15 administrative law judge, or the board shall nullify the interim order previously issued,
16 unless good cause can be shown by the Division of Medical Quality for a delay.

17 (g) If an interim order is issued, a written decision shall be prepared within 15
18 days of the hearing, by the administrative law judge, including findings of fact and a
19 conclusion articulating the connection between the evidence produced at the hearing
20 and the decision reached.

21 13. Respondent hereby specifically, knowingly, intelligently, freely and voluntarily
22 waives and gives up his right to an expedited hearing on a forthcoming Accusation and the
23 expedited issuance of a proposed decision within fifteen (15) days, all of which he is entitled to
24 under Government Code section 11529, subdivisions (f) and (g).

25 ADDITIONAL PROVISIONS

26 14. The parties hereby stipulate that all proceedings in the above-entitled Interim
27 Suspension Order shall be conducted at the Office of Administrative Hearings located in San
28 Diego, California.

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1 15. The parties further stipulate that copies of this Stipulation of the Parties Re: Interim
2 Suspension Order and Order, including copies of signatures appearing thereon, may be used in
3 lieu of original documents and signatures and, further, that such copies and signatures shall have
4 the same force and effect as originals.

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6 Dated: May 2, 2022


JENNINGS RYAN STALEY, M.D.
Respondent

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10 Dated: May 2, 2022


EARL M. POTT, ESQ.
Counsel for Respondent

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12
13 Dated: May __, 2022

ROB BONTA
Attorney General of California
By CHRISTINE A. RHEE
Deputy Attorney General
Attorneys for Petitioner

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JENNINGS RYAN STALEY, M.D.
Respondent

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10 Dated: May __, 2022

EARLL M. POTT, ESQ.
Counsel for Respondent


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13 Dated: May 3, 2022


ROB BONTA
Attorney General of California
By CHRISTINE A. RHEE
Deputy Attorney General
Attorneys for Petitioner

INTERIM SUSPENSION ORDER

Based on the foregoing stipulations and agreements, an Interim Suspension Order is hereby issued, immediately restricting Physician's and Surgeon's Certificate No. C 54121, heretofore issued by the Medical Board of California to Respondent Jennings Ryan Staley, M.D., and, accordingly, Respondent is hereby immediately prohibited from practicing medicine in the State of California, which shall remain in effect until a final decision and order is issued on a forthcoming Accusation. Any motion to vacate this Interim Suspension Order shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an ex parte basis and any motion to vacate this Interim Suspension Order shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than thirty (30) business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

IT IS SO ORDERED this 4 day of MAY, 2022.


ADMINISTRATIVE LAW JUDGE

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